

ASSEMBLY BILL

No. 1498

Introduced by Assembly Member De Leon

February 27, 2009

An act to amend Section 13826.1 of the Penal Code, relating to crime prevention.

LEGISLATIVE COUNSEL'S DIGEST

AB 1498, as introduced, De Leon. Crime prevention: gang violence.

Existing law establishes the Gang Violence Suppression Program to provide financial and technical assistance for district attorneys' offices, school districts, and other local agencies and organizations. Existing law provides guidelines, procedures, and reporting requirements for the program. Existing law establishes criteria for funding this program and requires that gang violence prosecution units receiving funds under this program concentrate enhanced prosecution efforts and resources upon specified gang-related cases.

This bill would authorize school districts to enter into memoranda of understanding with local city attorney and district attorney offices to ensure the safety of their students pursuant to the program.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 13826.1 of the Penal Code is amended
- 2 to read:
- 3 13826.1. (a) There is hereby established in the agency or
- 4 agencies designated by the Director of Finance pursuant to Section

1 13820, the Gang Violence Suppression Program, a program of
2 financial and technical assistance for district attorneys' offices,
3 local law enforcement agencies, county probation departments,
4 school districts, county offices of education, or any consortium
5 thereof, and community-based organizations which are primarily
6 engaged in the suppression of gang violence. All funds appropriated
7 to the agency or agencies designated by the Director of Finance
8 pursuant to Section 13820 for the purposes of this chapter shall be
9 administered and disbursed by the executive director of the agency
10 or agencies designated by the Director of Finance pursuant to
11 Section 13820 in consultation with the California Council on
12 Criminal Justice, and shall to the greatest extent feasible be
13 coordinated or consolidated with federal funds that may be made
14 available for these purposes.

15 (b) The executive director is authorized to allocate and award
16 funds to cities, counties, school districts, county offices of
17 education, or any consortium thereof, and community-based
18 organizations in which gang violence suppression programs are
19 established in substantial compliance with the policies and criteria
20 set forth in this chapter.

21 (c) The allocation and award of funds shall be made on the
22 application of the district attorney, chief law enforcement officer,
23 or chief probation officer of the applicant unit of government and
24 approved by the legislative body, on the application of school
25 districts, county offices of education, or any consortium thereof,
26 or on the application of the chief executive of a community-based
27 organization. All programs funded pursuant to this chapter shall
28 work cooperatively to ensure the highest quality provision of
29 services and to reduce unnecessary duplication. Funds disbursed
30 under this chapter shall not supplant local funds that would, in the
31 absence of the Gang Violence Suppression Program, be made
32 available to support the activities set forth in this chapter. Funds
33 awarded under this program as local assistance grants shall not be
34 subject to review as specified in Section 10295 of the Public
35 Contract Code.

36 (d) The executive director shall prepare and issue written
37 program and administrative guidelines and procedures for the Gang
38 Violence Suppression Program, consistent with this chapter. These
39 guidelines shall set forth the terms and conditions upon which the
40 agency or agencies designated by the Director of Finance pursuant

1 to Section 13820 is prepared to offer grants of funds pursuant to
2 statutory authority. The guidelines do not constitute rules,
3 regulations, orders, or standards of general application.

4 (e) Annually, commencing November 1, 1984, the executive
5 director shall prepare a report to the Legislature describing in detail
6 the operation of the statewide program and the results obtained by
7 district attorneys' offices, local law enforcement agencies, county
8 probation departments, school districts, county offices of education,
9 or any consortium thereof, and community-based organizations
10 receiving funds under this chapter and under comparable federally
11 financed awards.

12 (f) Criteria for selection of district attorneys' offices, local law
13 enforcement agencies, county probation departments, school
14 districts, county offices of education, or any consortium thereof,
15 and community-based organizations to receive gang violence
16 suppression funding shall be developed in consultation with the
17 Gang Violence Suppression Advisory Committee whose members
18 shall be appointed by the Executive Director of the agency or
19 agencies designated by the Director of Finance pursuant to Section
20 13820, unless otherwise designated.

21 (g) The Gang Violence Suppression Advisory Committee shall
22 be composed of five district attorneys; two chief probation officers;
23 two representatives of community-based organizations; three
24 attorneys primarily engaged in the practice of juvenile criminal
25 defense; three law enforcement officials with expertise in
26 gang-related investigations; one member from the California Youth
27 Authority Gang Task Force nominated by the Director of the
28 California Youth Authority; one member of the Department of
29 Corrections Law Enforcement Liaison Unit nominated by the
30 Director of the Department of Corrections; one member from the
31 Department of Justice nominated by the Attorney General; the
32 Superintendent of Public Instruction, or his or her designee; one
33 member of the California School Boards Association; and one
34 representative of a school program specializing in the education
35 of the target population identified in this chapter.

36 Five members of the Gang Violence Suppression Advisory
37 Committee appointed by the Executive Director of the agency or
38 agencies designated by the Director of Finance pursuant to Section
39 13820 shall be from rural or predominately suburban counties and

1 shall be designated by the Executive Director as comprising the
2 Rural Gang Task Force Subcommittee.

3 The Rural Gang Task Force Subcommittee, in coordination with
4 the Gang Violence Suppression Advisory Committee and the
5 agency or agencies designated by the Director of Finance pursuant
6 to Section 13820, shall review the Gang Violence Suppression
7 Program participation requirements and recommend changes in
8 the requirements which recognize the unique conditions and
9 constraints that exist in small rural jurisdictions and enhance the
10 ability of small rural jurisdictions to participate in the Gang
11 Violence Suppression Program.

12 (h) The Director of the agency or agencies designated by the
13 Director of Finance pursuant to Section 13820 shall designate a
14 staff member in the Gang Violence Suppression Program to act
15 as the Rural Gang Prevention Coordinator and to provide technical
16 assistance and outreach to rural jurisdictions with emerging gang
17 activities. It is the intent of the Legislature that compliance with
18 this subdivision not necessitate an additional staff person.

19 (i) This section shall be operative January 1, 1994.

20 (j) *Local school districts may enter into memoranda of*
21 *understanding with local city attorney and district attorney offices*
22 *to ensure the safety of their students pursuant to this chapter.*